

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
APPENDIX**

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X
UNITED STATES OF AMERICA,

Appellee,

-against-

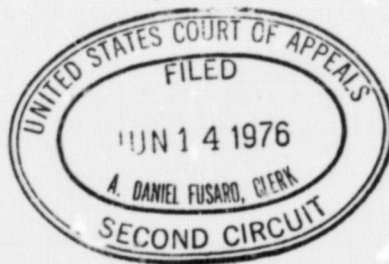
JORGE GONZALEZ,

Appellant.
-----X

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76-1113

On Appeal from a Judgment of Conviction
of the United States District Court for
the Southern District of New York

APPENDIX TO BRIEF FOR
APPELLANT JORGE GONZALEZ



LOUIS A. TIRELLI
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JANUARY 20, 1975 HEARING BEFORE S. TYLER H-8

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in this case --

MR. TIRELLI: October 31st Mr. Carey has down in the papers. However, he was -- on the very same set of facts he was arrested by the State Court.

I spoke to Mr. Herman, the Assistant Attorney in this case, and Mr. Herman told me that the reason that he was arrested -- Jorge Gonzalez was arrested along with whoever else was arrested. But specifically Jorge Gonzalez was because they were requested to by the federal government because it was a holding action so that all of the prisoners -- since there was such a large number of people in U. S. v. Bravo, that none of the other persons would realize that the federal government was involved. And he was arrested on September 17th.

The state of facts for the arrest, I mean the basis for the arrest, was the very same and there was a detainer sent out to the State Prison, I think it was Greenhaven, and they were brought to the federal prison on October 31st when the federal government was ready, although they had whatever information they needed for a month and a half, as well as my client Jorge Gonzalez for a month and a half, and then they put their indictment in the federal action so that, if we were to include September 17th, we're talking well beyond the four month period.

THE COURT: I think I will assume then, unless Mr. Carey denies this, that your client has been in jail in excess of ninety days.

MR. TIRELLI: Yes, your Honor.

THE COURT: Who speaks for Nina Nino? I think somebody was making an application on her behalf.

THE MARSHAL: Mr. Gans I believe is her attorney. He is in Room 110, actually on trial.

THE COURT: All right. But Miss Nino is here? Well, Mr. Carey, do you want to respond to this?

MR. CAREY: Yes, your Honor. If the Court allows me, I will limit my remarks at this time to the Government's motion for a continuance.

THE COURT: You didn't want to respond to any of the arguments made by Messrs. Jacobs and Tirelli?

MR. CAREY: Yes, I do, as they pertain to the Government's motion for a continuance and as to bail.

The exceptional circumstances which the Government as to the continuance alleges as grounds for its motion for a continuance are exceptional circumstances within the control of the prosecutor's office alone and not those exceptional circumstances with respect to the defendant's roots in the community --

THE COURT: In other words, you are talking now

about Rule 5(c)(2), not about Rule 3.

MR. CAREY: That is correct.

THE COURT: We understand that.

MR. CAREY: Your Honor has seen my papers and the defendants have had the opportunity to read them. I don't wish to add anything new to the statements I've made in my affidavit.

THE COURT: The charge has been made here, for example, that your office has just now begun to do all these things that you should have done or started a long time ago. You don't want to respond to that?

MR. CAREY: I do.

THE COURT: What do you say on that?

MR. CAREY: Of course it is not true, as I stated in my affidavit, that the Government is now beginning. It is true, as Mr. Jacobs observed, that I recently was assigned to this case. My familiarity with the case is not as complete as Mr. Littlefield's and Mr. Nesland's, who are responsible for indicting and for trying it.

However, the Government did begin its work on this case prior to indictment. Of necessity it has continued, both by Mr. Littlefield and by Mr. Nesland, to work on this case. To prepare for trial, there are a lot of things which must be done in addition to preparing transcripts of pertinent

JANUARY 20, 1975 HEARING BEFORE J. TYLER H-12

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12

of the indictment and the charges against the defendant.

The Government is not asking for any more than one additional month from, I believe it is, today's date, as I calculate it in the case of Jorge Gonzalez, which is the only one over the ninety day period. It feels that the circumstances of this investigation -- and the Government feels the strongest circumstance is that involving the translation of these innumerable conversations which were recorded over the period of a year. In line with that, I already set forth our position in the affidavit, and your Honor is fully familiar with it.

The Government submits that that is the strongest ground by which it is shown there are exceptional circumstances in this case justifying the Court granting a continuance to allow the Government to prepare its case.

Although the Government has only one translator working on these tapes, through Mr. Littlefield the Government is going to bring two or three different interpreters in, and the Government says it will be ready at the time it has asked it be given.

THE COURT: There is one other point of Mr. Jacobs, and Mr. Tirelli joins in this. You make allusion to what is called the Lasker case and suggest that because there are fugitives here, this somehow has a bearing.

will have to prove in order to sustain a conviction of any one or more of the defendants who stand trial.

All of this, it seems to me, is a bit exceptional now only in that the clear public interest of the community and of the United States as a whole to get to the bottom of alleged narcotics violations of a serious nature such as are alleged in this indictment I think is a very significant factor.

Finally, I note that without exception the defendants are not American citizens. I don't mean to suggest that there should be some special adverse emphasis against application of sound bail principles just because an individual does not happen to be a citizen. On the other hand I point out why the judges and magistrates in these cases fix the bail as they do in part.

I find, further, that there is no serious evidence at all that the Government has been dilatory or less than reasonably active in trying to prepare this case for trial. So, pursuant to Rule 5(c)(2), I find exceptional circumstances sufficient to support the Government's application to give them until February 18th to file their notice of readiness in this case.

Now turning to the bail applications and the special force of Rule 3, I do think that I will not treat

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31 tions for reduction of bail even though I am assuming that
32 each of the applying defendants, Roldan, Nina Nino and Jorge
33 Gonzalez, are persons who have been incarcerated more than
34 ninety days as that terminology is used in Rule 3 of the
35 Speedy Trial rule.

36 Now, Mr. Carey, may I suggest, and encourage
37 you and your colleagues on something that Mr. Littlefield
38 apparently is looking to do, that you expedite this matter,
39 because I really think, from your own point of view, not to
40 mention the moving defendants' point of view, it would be
41 wise to get this case ready as early as possible and maybe
42 even do better than February 18th by some days or so.

43 MR. CAREY: Your Honor, the Government will
44 certainly try to file a notice of readiness before that time.

45 THE COURT: All right.

46 MR. JACOBS: Would your Honor consider fixing
47 a trial date sometime after February, shortly after February
48 18th?
49

50 THE COURT: I am unable to do that now. How-
51 ever, the reason is I have two other jail cases, apparently,
52 which I am trying to fathom as to what is going on in there.
53 In neither one of them has there been a notice of readiness
54 filed either.

55 But I do think what you are suggesting is not a

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2 it is a fact, that there was a dismissal of the
3 conspiracy charge in the Texas court.

4 MR. CARLTON: Your Honor, in view of the
5 fact that the defendant Robinson has not rested, I
6 would ask leave of the court to make a very brief motion
7 Friday following the testimony of Mr. Andries.

8 THE COURT: How much is brief?

9 MR. CARLTON: Maybe a minute or two.

10 THE COURT: All right.

11 I don't know what else would hold you
12 here today.

13 My law clerk brings to mind that it may
14 be possible that the record does not disclose that I
15 have moved on the speedy trial. I think sub silentio
16 I have done that, otherwise I would not have continued
17 on a 13-week trial. Therefore, I deny the motion for
18 a speedy trial, with an exception to each defendant
19 that made it.

20 MR. CAREY: There was one final matter,
21 and that is that your Honor reserved decision on
22 whether the government would be permitted in its summa-
23 tion to make reference to the charts that your Honor
24 excluded from evidence. I would like to again --

25 THE COURT: I decline to do so. If you

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2 bad idea, and I had it on my mind now for at least a fort-
3 night or so, and it was particularly on my mind when you
4 filed your notice of motion and then Mr. Tirelly filed his.

5 I'm going to see if I can't give you as early
6 as possible a trial date to shoot at, and what I will do is
7 communicate with your respective offices as soon as I clear
8 the decks.

9 MR. JACOBS: Fine.

10 THE COURT: Hopefully within the next week or
11 so.

12 MR. JACOBS: Thank you, your Honor.

13 THE COURT: All right?

14 MR. TIRELLI: Your Honor, I would just respect-
15 fully like to take an exception in this matter, your Honor.

16 THE COURT: You have an exception as a matter
17 of law.

18 MR. TIRELLI: Thank you, your Honor.

19 THE COURT: No doubt about it.

20 MR. TIRELLI: Your Honor, I would also request --
21 I had written this as a letter prior to this --

22 THE COURT: I can't hear you.

23 MR. TIRELLI: Sorry. I would also request time
24 to submit a demand for a bill of particulars and other pre-
25 trial motions.

August 6, 1975

Honorable John M. Cannella
United States District Judge
Southern District of New York
Foley Square
New York, NY 10007

Re: United States v. Alberto Barvo, et al

Dear Honorable Cannella:

I have this day received an affidavit of Michael Q. Carey as well as a government memorandum of law in opposition to defendants' pre-trial motions on S 75 Cr. 429 (United States of America v. Alberto Bravo, et al.,).

It is my recollection that you had given Mr. Carey until August 1, 1975, to submit his papers into court or you would act only on the motions of the defendants.

I would appreciate your advising me if this is the action you are taking.

Yours very truly,

LOUIS A. TIRELLI

LAT:cm

cc: Michael Q. Carey
United States Attorney

May 5, 1975

Hon. John M. Cannella
United States District Judge,
Chambers 1001
United States Court House
Foley Square
New York, New York 10007

Re: United States v. Alberto Bravo, et. al.,
74 Cr. 939 - S 75 Cr. 429

Hon. Judge Cannella:

On Thursday, May 1, 1975, I had a conference with Judge Pollack and Michael Q. Carey, Assistant United States Attorney on the subject matter. At that time, I was served with a superseding indictment, S 75 Cr. 429 and was informed at that time that this indictment has been assigned to your Honor.

I wish to bring to your Honor's attention that Mr. Jorge Gonzalez, my client, has been incarcerated for almost eight months, since September 17, 1974 and there are numerous motions that have been submitted on his behalf, some of which are still outstanding.

Further, with regard to the electronic surveillance of telephone conversations I have not as yet had copies of translations of same that are to be used by the government at the trial.

Further, a hearing must be had into the legality of the tapes.

It would be most appreciated if your Honor would look into this matter at the earliest convenience considering the fact that Mr. Gonzalez is still presently incarcerated.

Very truly yours,

LOUIS A. TIRELLI
LAT:ays

cc: Hon. Milton Pollack
Michael Q. Carey, Esq.
Jorge Gonzalez
Fabio Ochoa

September 18, 1975

A. Daniel Fusaro, Clerk
U.S. Court of Appeals,
Second Circuit
100 Centre Street
New York, N.Y. 10007

Re: U.S. v. Bravo (Jorge Gonzalez)
75 CR. 429 (JMC)

Dear Mr. Fusaro:

On Tuesday, September 16, 1973 I appeared on behalf of defendant Jorge Gonzalez before the Hon. Judge John M. Cannella in support of my motion for a speedy trial and other motions.

It was disclosed at that time by the Assistant U.S. Attorney, Michael Q. Carey, that the Second Circuit Court of Appeals had stayed all proceedings in the U.S. v. Bravo case, and accordingly, the Hon. John M. Cannella was without power to hear any motions in this matter.

I was directed at that time by the Honorable John M. Cannella in accordance with the Assistant U.S. Attorney to request from the Honorable Clerk of the Second Circuit a definition of said stay. The stay was based on an appeal pending before this Court of Appeals by attorneys who were representing more than one client.

If this stay were to extend to my client Jorge Gonzalez he would be constitutionally deprived of his right for a bail application as well as any other matters that might be heard prior to trial.

Your immediate attention to this matter will be greatly appreciated since Mr. Gonzalez has been deprived of his liberty for more than one year at this time without the right to a speedy trial.

Yours very truly,

Louis A. Tirelli
LAT:ln

cc: Honorable Judge John M. Cannella
Assistant U.S. Attorney Michael Q. Carey

COURT
UNITED STATES DISTRICT/COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA,

Plaintiff,

-against-

Indictment No.
74 CRIM 939

JORGE GONZALEZ, s JORGE ARBOLIDA,

Defendant.
----- X

S I R S:

PLEASE TAKE NOTICE, that upon the annexed affidavit of LOUIS A. TIRELLI, ESQ., attorney for the defendant, duly sworn to the 2nd day of January, 1975, and upon all the proceedings had herein and pursuant to Rule 3 of the Second Circuit Court of Appeals Rules governing prompt disposition of cases, a motion will be made on behalf of the said defendant, in the United States District Court for the Southern District of New York, located at Foley Square, New York, New York, before the Hon. Judge Harold P. Tyler, Jr., on the 13th day of January, 1975, at 10:00 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard for an order:

1. Dismissing the indictment against the above named defendant, JORGE GONZALEZ, in that the government has failed to be ready for trial in the above matter within ninety (90) days from the date of this defendant's detention, and
2. In the alternative, releasing the said defendant upon his own recognizance pursuant to Rule 3 of the Second Circuit Court of Appeals Rules governing prompt disposition of cases, and
3. For such other further or different relief as to this court may seem just and proper.

Dated: Spring Valley, N. Y.
January 2, 1975.

TO: MICHAEL Q. CAREY, U. S. Attorney
U.S. District Court for Southern
District of New York, and
Clerk of Above Court

YOURS, ETC.,
LOUIS A. TIRELLI
Attorney for Defendant
52 South Main Street
Spring Valley, N. Y. 10977
914-352-4247

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA,

Plaintiff,

-against-

Indictment No.
74 Crim 939

JORGE GONZALEZ, a/k/a JORGE ARBOLEDA,

AFFIDAVIT

Defendant.

----- X
STATE OF NEW YORK)
COUNTY OF ROCKLAND) SS.:

LOUIS A. TIFELLI, being duly sworn, deposes and says:

That I am the attorney of record for the above named defendant, JORGE GONZALEZ, and make this affidavit in support of my motion to (1) dismiss the indictment against the said defendant pursuant to Rule 3 of the Second Circuit Court of Appeals Rules governing prompt disposition of cases, or in the alternative requesting that the above named defendant be released from custody upon his own recognizance pursuant to said Rule as hereinbefore stated.

Deponent respectfully states to this Court that the following are the facts and circumstances surrounding this matter:

The defendant, JORGE GONZALEZ, a/k/a JORGE ARBOLEDA, on or before September 25, 1974 in the Supreme Court of the State of New York, County of New York, was arrested and charged with violations of conspiracy in the first degree, a felony in violation of § 105.15 of the Penal Law of the State of New York, which crimes were committed allegedly on or about May 8, 1974 to on or about September 18, 1974. Said violation is a violation of the Narcotics Law and said actions were taken in concert with the United States as a holding action in order to arrest ~~all~~ or most of the parties indicted in the U. S. v.

Bravo, et. al. action.

Thereafter, on or about October 4, 1974, indictments were filed in the United States District Court for the Southern District of New York, for violations of the Narcotics Law which were based on the same acts of the defendant, JORGE GONZALEZ, as that arising for the charges stated above in the State Court.

Thereafter, on October 31, 1974, the above defendant was arraigned before a Magistrate in the Southern District of New York, Judge Harold J. Raby, and bond was set in the amount of ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS cash or surety.

The Grand Jury filed a five count indictment against the defendant and numerous other defendants, and the said defendant was arraigned before the Hon. Harold R. Tyler, Jr., U. S. District Court Judge, for purposes of reducing the amount of bail required of the defendant, JORGE GONZALEZ, and to fix a firm date for trial.

The above matter again was set down for a hearing before Hon. Judge Harold R. Tyler, Jr., on December 17, 24 and 27, 1974. In the first instance, I could not locate the proper Assistant U. S. attorney but spoke to James Nesland, as he was still marked on the records; in the second instance the matter was referred to the Part I Judge who refused to consider the matter because he felt there was no urgency; and in the latter instance, the Hon. Judge Tyler refused to consider reducing the bail.

In spite of these hearings, the bail is maintained in the continued sum of ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS.

Your deponent respectfully submits to this Court that more than ninety (90) days have elapsed since the arrest of this defendant, JORGE GONZALEZ, and that he has been in detention and held on \$150,000.00 bail bond, which amount of money he is unable to secure.

Further, there is a question whether JORGE ARBOLEDA, whom your defendant has been defined in the indictment as also being known as, is actually the defendant, JORGE GONZALEZ, or another party also indicted in the same five count indictment, BERNARDO ROLDAN, and therefore, it is necessary that JORGE GONZALEZ be released from jail in order to determine the facts leading to his substantiation in court that he is not the party to be named therein.

Your deponent respectfully submits that this action and the inordinate delay of more than ninety (90) days specifically violates Rule 3 of the Second Circuit Court of Appeals Rules governing the prompt disposition of cases and your deponent, therefore, respectfully requests that the indictment herein against the defendant, JORGE GONZALEZ, be dismissed, or in the alternative, that the defendant be released upon his own recognizance pending the trial of this matter.

WHEREFORE, your deponent respectfully requests that the above relief be granted in all respects.

Sworn to before me this

2nd day of January, 1975.

LOUIS A. TIRELLI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA

-v-

ALBERTO BRAVO, et. al.,

Defendants.

----- X
S I R S:

Indictment No.
74 Cr. 939

NOTICE OF MOTION

PLEASE TAKE NOTICE, upon the indictment herein, the affidavit of LOUIS A. TIRELLI, duly sworn to the 4th day of March, 1975 and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this court at the Criminal Motion Part thereof to be held at the U. S. Courthouse, Foley Square, New York, New York on the 14th day of March, 1975 at 10:00 o'clock in the forenoon of that day or as soon thereafter as counsel may be heard, for an order releasing the defendant, JORGE GONZALEZ from custody upon his own recognizance, granting a suppression of all electronic surveillance evidence and granting a severance in the trial of said indictment for the defendant, JORGE GONZALEZ and for such other further or different relief as to this court may seem just and proper.

Dated: Spring Valley, N.Y.
March 4, 1975

TO: MICHAEL Q. CAREY,
U. S. Attorney
U.S. District Court for
Southern District of
New York, and Clerk of
Above Court

Yours, Etc.,
LOUIS A. TIRELLI
Attorney for Defendant
52 South Main Street
Spring Valley, N.Y. 10977
914-352-4247

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
----- X
UNITED STATES OF AMERICA

-v-

ALBERTO BRAVO, et. al.,

Defendants.

----- X

Indictment No.
74 Cr. 939

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ROCKLAND) SS.:

LOUIS A. TIRELLI, being duly sworn, deposes and says:

That I am the attorney of record for the defendant, JORGE GONZALEZ, a/k/a JORGE ARBOLEDA, and make this affidavit in support of a motion to grant a severance in the trial of said indictment so that movant will, as to all of the offenses charged against said defendant, be tried separate and apart from the other defendants, and as grounds therefor respectfully shows:

1.

There are twenty-nine (29) defendants in the subject indictment and should defendant, JORGE GONZALEZ, be tried with twenty-eight (28) co-defendants in a trial where he will of necessity require many of these same co-defendants to be witnesses on his behalf and further in a trial where there can easily be confusion in the minds of the jurors as to which co-defendants might have committed a crime and as to which co-defendants may be absolutely not guilty of any crime, the defendant herein, JORGE GONZALEZ, could not be given a fair trial and his rights will be severely prejudiced should he be forced in to such a trial with twenty-eight (28) co-defendants.

2.

Each of the defendants named in the indictment, if called as witnesses on movant's behalf, would establish by their testimony that movant did not conspire with them, aid and abet, or otherwise participate with them in the violation of any offense charged in the indictment.

3.

Should said co-defendants, or any of them, if tried jointly with movant, elect to testify upon the trial of the indictment, he or they would have such an interest in the outcome of the case as might influence the jury unfavorably against them in determining the credibility of their testimony; whereas, if movant were tried separately, such defendants, in testifying on behalf of movant, would have a different and less personal interest in the outcome of movant's case, and the jury, in determining their credibility, would not be unduly influenced by their personal interest therein; the interest of a defendant on trial in the outcome of a criminal case necessarily being greater than that of a witness who is not himself on trial.

4.

The trial of movant jointly with the co-indictees will prejudice movant in that movant, through counsel of his choice, will not have unrestricted control of the defense of charges against him; as separate counsel for said co-indictees will be entitled to develop evidence and defenses as in their judgment will be in the best interests of their clients.

5.

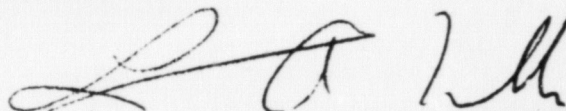
Movant, if tried jointly with the co-indictees, will be required to relinquish unfettered control over the defense of the charges, as counsel

representing co-indictees will, through their trial strategy, cross-examination and presentation of evidence, deprive movant of his control of his defense, the efficacy of his trial strategy, cross-examination and presentation of evidence, thus depriving movant of due process of law.

WHEREFORE, movant prays that as to him the Court grant a severance upon the trial of the captioned indictment so that he will be tried separate and apart from the co-indictees.

Sworn to before me this

4th day of March, 1975.



LOUIS A. TIRELLI

110110 A 11-7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

Indictment No.
74 Cr. 939

ALBERTO BRAVO, Et. al.,

AFFIDAVIT

Defendants.

STATE OF NEW YORK)
COUNTY OF ROCKLAND) SS.:

LOUIS A. TIRELLI, being duly sworn, deposes and says:

That I am the attorney of record for the defendant,
JORGE GONZALEZ, a/k/a JORGE ARBOLEDA, and make this affidavit
in support of a Motion to grant a suppression of all electronic
surveillance evidence as well as any evidence which is a derivative
product of said electronic surveillance.

1.

That in reviewing the eavesdropping warrants issued
out of the Supreme Court of the State of New York, County of
Queens, and upon which the subject indictment is based there is
nowhere to be found in the title of said eavesdropping warrants
the name of JORGE GONZALEZ.

2.

18 USC § 2518 (1) (B) (iv) requires that an application
for a wiretap order specify "the identity of the person, if known,
committing the offense and whose communications are to be intercepted."
In a recent Second Circuit holding --CA 4; U.S. v. Bernstein, 1/24/75
it was held that the omission of the persons on whom electronic
surveillance is to be had makes judicial control regarding the
identification of the same impossible.

WHEREFORE, movant prays that as to his client JORGE GONZALEZ the Court grant a suppression of all electronic surveillance evidence including tapes, notes, transcriptions, records, or other evidence written or oral, of alleged conversations had by said JORGE GONZALEZ. Further, your movant prays that any and all derivative products of said electronic surveillance be equally suppressed with regard to said JORGE GONZALEZ.

Sworn to before me this
4th day of March, 1975.


LOUIS A. TIRELLI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA ----- X

-v-

Indictment No.
74 Cr. 939

ALBERTO BRAVO, et. al.,

AFFIDAVIT

Defendants.

----- X

STATE OF NEW YORK)
COUNTY OF ROCKLAND) SS.:

LOUIS A. TIRELLI, being duly sworn, deposes and says:

That I am the attorney of record for the defendant,
JORGE GONZALEZ, a/k/a JORGE ARDOLEDA and Iake this affidavit on
Support of a Motion that the defendant JORGE GONZALEZ be
released from custody upon his own recognizance.

Deponent respectfully states to this court that a
prior application/was made on January 2, 1975 to dismiss the indictment
or in the alternative requesting release of defendant from custody
upon his own recognizance.

JORGE GONZALEZ, the defendant herein, was arrested
by the State of New York on or before September 25, 1974.

Said defendant was then arraigned before a Magistrate
in the Southern District of New York on October 31, 1974 and bond
was set in the amount of ONE HUNDRED FIFTY THOUSAND (150,000)
DOLLARS CASH or surety.

This bond was maintained on January 20, 1975 by
the Hon. Judge Harold R. Tyler, Jr. when the Motion mentioned
above, was heard.

Trial for the subject defendant has been scheduled for April 21, 1975 before the Hon. Harold R. Tyler, Jr.

In order for your deponent to properly prepare for a trial having 29 defendants and well over 1,000 tape recordings it will require a tremendous amount of preparation on the part of your deponent. This preparation must necessarily include continual information to be passed between client and attorney. Such passage of information is made extremely difficult, if not impossible, with the defendant, JORGE GONZALEZ, remaining incarcerated in the Federal Penitentiary located at West Street in the City of New York.

It is submitted to the Court that the Constitutional rights of the Defendant for a fair trial mandate that the defendant be given all reasonable opportunities to properly prepare the case of the defense in this matter.

Accordingly, it is submitted that this constitutional right to a fair trial be afforded to the defendant by releasing the defendant in his own recognizance while imposing conditions such as the following on his release:

- a. Restrict the travel of the defendant to the Counties of New York (where the Court is located) and Queens (where defendant will reside and confer with his attorney in an office located at 64-01 Roosevelt Avenue, Woodside, New York) in the State of New York.

b. Place the defendant in the custody of his former employer or other designated person or organization agreeing to supervise him; and

c. Require that the defendant report telephonically or in person to the assistant United States Attorney in charge of this action viz. Michael Q. Carey, Esq.

WHEREFORE, your deponent respectfully requests that the above relief be granted in all respects.

Sworn to before me this
4th day of March, 1975


LOUIS A. TIRELLI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA,

-against-

JORGE GONZALEZ-ARBOLEDA,

Defendant.

NOTICE OF MOTION

Court Docket No.

75 CR 429
----- X

SIR:

PLEASE TAKE NOTICE, that upon the annexed affirmation of LOUIS A. TIRELLI, attorney for the defendant herein, duly affirmed the 25th day of March, 1976, and upon all the pleadings and proceedings heretofore had herein, a motion will be made returnable before Honorable JOHN M. CANNELLA, one of the judges of the District Court for the Southern District of New York, at his chambers in the United States Courthouse, 40 Centre Street, New York, New York, on the 10th day of April, 1976, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order reducing the sentence imposed herein upon the said defendant, and for such other and further relief as to the Court may seem just and proper in the premises.

Dated: March 25, 1976

Yours, etc.,

LOUIS A. TIRELLI
Attorney for Defendant
Office and P.O. Address
52 South Main St.
Spring Valley, N.Y. 10977
(914) 352-4247

TO: HONORABLE JOHN M. CANNELLA
HONORABLE MICHAEL CAREY,
Assistant U.S. Attorney
UNITED STATES DISTRICT COURT FOR
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA,

-against-

JORGE GONZALEZ-ARBOLEDA,

Defendant.

AFFIRMATION

Court Docket No. 75 CR 429

----- X

STATE OF NEW YORK)
COUNTY OF ROCKLAND) ss.:

LOUIS A. TIRELLI, an attorney at law, affirms that the following statements are true under the penalties of perjury:

That I am the attorney for the defendant JORGE GONZALEZ-ARBOLEDA.

That this application is for an order reducing the sentence heretofore imposed upon the defendant JORGE GONZALEZ-ARBOLEDA, on the 4th day of March, 1976. The defendant JORGE GONZALEZ-ARBOLEDA was found guilty of a conspiracy to import cocaine and marijuana into the United States, and was sentenced to seven years imprisonment by the Honorable JOHN M. CANNELLA, one of the Judges of the District Court for the Southern District of New York.

The application now being made on behalf of the defendant JORGE GONZALEZ-ARBOLEDA is upon the ground that the judge was unaware of certain facts of hardship regarding his immediate family. The defendant JORGE GONZALEZ-ARBOLEDA has a wife and five children living in Columbia. They are presently in fear of their lives since there are henchmen in Columbia who have been paid to kill them, as related to me by JORGE GONZALEZ-ARBOLEDA.

Accordingly, it is imperative that JORGE CONZALEZ-ARBOLEDA be released from prison at the earliest possible date in order that he can protect his family in the only way possible since no one in the United States is able to afford such protection to Colombia nationals..

WHEREFORE, under all the circumstances hereinablve set forth, your affirmant earnestly prays this Court to exercise its judicial leniency because of the hardship in this case and reduce the sentence of four years heretofore imposed upon the defendant JORGE GONZALEZ-ARBOLEDA.

Dated: Spring Valley, N.Y.
March 25, 1976

LOUIS A. TIRELLI

UNITED STATES DISTRICT COURT: SOUTHERN DISTRICT
----- X
UNITED STATES OF AMERICA,

-v-

AFFIDAVIT
74 CR 939 (MP)

ALBERTO BRAVO, et. al.,

Defendants.

----- X
STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

LOUIS A. TIRELLI, being duly sworn, deposes and says:

1. I am the retained counsel for JORGE GONZALEZ, a/k/a JORGE ARBOLEDA, one of the defendants herein, and make this affidavit in support of his motions: (a) to strike the Government's Notice of Readiness for Trial; (b) to dismiss the indictment for failure of the Government to be ready for trial in six months and (c) to be released on his own recognizance because the Government is not ready for trial; and (d) to dismiss the indictment in the interest of justice since the Government has not been able to produce any evidence linking JORGE GONZALEZ to any crime. I am fully familiar with all the facts herein.

2. On information and belief, JORGE GONZALEZ was arrested by United States Immigration Officers and by the New York State Police on September 17, 1974 on an indictment in the State of New York, Indictment No. N-1324-513/74, for which charges therein are the same as those in indictment 74 CR 939, the subject indictment herein.

3. JORGE GONZALEZ was detained in prison on Riker's Island located at East Elmhurst, County of Queens, State of New York until October 31, 1974 where he was questioned by New York police.

4. JORGE GONZALEZ revealed to your deponent that he was beaten about the face by a New York State detective to obtain

a confession only a few hours after his arrest.

5. JORGE GONZALEZ further revealed to your deponent that he was arrested in the house of JUDY VILLEGAS and the arresting officers did not show any warrant but forced their way into the house and placed JORGE GONZALEZ under arrest and took him away to prison at Riker's Island. That it appears from papers on file in the Criminal Court of the City of New York that JAMES MC GOVERN was the arresting officer.

6. That your deponent was speaking to the Assistant District Attorney, Mr. Herrmann, for the Criminal Court of the City of New York at telephone No. (212) FR 4-1300 ext. 66, and Mr. Herrmann related to your deponent that JORGE GONZALEZ was incarcerated from September 17, 1974 to October 31, 1974 as part of a "holding action" for the Federal Government so that other members of the "ring" would not know that the police were aware of their "illegal activities" and flee before the Federal Government had effected all of their arrests.

7. That JORGE GONZALEZ is presently still subject to prosecution on the New York State Indictment as the United States Attorney for the Southern District had a writ of habeas corpus ad proquendum issue on October 31, 1974 to have JORGE GONZALEZ produced from Greenhaven State Prison into the Federal Detention for Men located at 427 West Street, New York City for the subject indictment (74 CR 939) which was filed on October 4, 1974 and charges defendant JORGE GONZALEZ and twenty eight other defendants in five counts with conspiracy to import and distribute cocaine and the importation of cocaine into the United States and distribution of it in the United States.

8. Upon arraignment the defendant, JORGE GONZALEZ had

bail fixed at \$150,000.00 and on January 20, 1975 this bond amount was maintained by the Hon. Harold R. Tyler, Jr. while at the same time denying, without prejudice to renewal, defendant's motions for a speedy trial and directing your deponent and Asst. U. S. Attorney, Michael Q. Carey to work out all pre-trial discovery and if your deponent was unable to obtain any such discovery, then to make either "an oral motion or a written motion" to obtain same.

9. That at this hearing on January 20, 1975 before the Hon. Harold R. Tyler, Jr., it was accepted by the Court and the Asst. U. S. Attorney Michael Q. Carey, that the time of arrest for defendant, JORGE GONZALEZ, with regard to this indictment was September 17, 1974 for on page 8 of the minutes your deponent states: (at line 14)

"And he was arrested on September 17th."

and the Court responded on page 9 at line 2:

"I think I will assume then, unless Mr. Carey denies this, that your client has been in jail in excess of ninety days."

However, Judge Tyler although refusing to reduce the bail on the ground the Government was not ready for trial within 90 days of arrest (Rule 3 of the Rules for Prompt Disposition of Criminal Cases) and again denied motions for a speedy trial and severance. Judge Tyler gave the Government until February 18 to be ready for trial. On February 18 the Government filed its Notice of Readiness For Trial (Exhibit "A") signed by Michael Q. Carey, Assistant U. S. Attorney.

10. On January 20, 1975 Mr. Carey filed an affidavit wherein he stated in part, in seeking an additional month to prepare for trial:

(a) There were eleven separate wiretaps involved

in the case covering a 10 1/2 month period from January 2, 1974 through October 14, 1974 (Carey affidavit par. 5);

(b) Over 100 different persons were overheard in over 7250 conversations of which approximately 1,000 are possibly pertinent to the case (Carey affidavit. par. 5);

(c) The recorded conversations are in the Spanish language and pursuant to orders of the New York State Supreme Court. (Carey affidavit. par. 5).

11. On numerous occasions before, on and after February 18 I have sought discovery of the relevant materials from the Government prior to trial in order to properly prepare for trial. I have not received any transcripts of telephone conversations or any other necessary discovery material although I have brought Mr. Fabio Ochoa on one occasion and Mr. Scott Chernick on a second occasion to copy any papers given to me by Mr. Carey. On the occasion with Mr. Ochoa, Mr. Carey stated the copying machine was out of order and on the occasion with Mr. Chernick, Mr. Carey stated that Friday he would send out a letter to all counsel explaining how information would be disseminated by the Government. On that latter occasion I volunteered that if Mr. Carey could show your deponent and my client where there was any evidence of wrong doing on the part of the defendant, JORGE GONZALEZ, I would speak to the defendant to have him give evidence against any of the other twenty eight defendants in the indictment. He promised to have defendant JORGE GONZALEZ in his office the following week to let him hear the damaging evidence and although I telephoned Mr. Carey regarding that promise the next week, an appointment was

never made by Mr. Carey.

12. Mr. Carey has numerous times told me he would be ready the following week to afford discovery to my client and I and would send me a letter as to how the discovery could be accomplished. Upon information and belief he has made similar statements to Howard L. Jacobs, Esq., and Paul Warburgh, Esq. of Kassner & Detsky, Esqs., co-counsel in this case. The weeks have become months and nothing has been furnished.

13. Never have I been furnished with copies of the wiretap orders and supporting affidavits or copies of all transcripts of conversations involving JORGE GONZALEZ. Although I have repeatedly requested that JORGE GONZALEZ be permitted to listen to the tapes of the recorded conversations which are in Spanish, no arrangements have ever been made to accomplish this prior to trial so we can prepare for trial and not hear tapes for the first time at trial. Attorneys for two other defendants (Jacobs and Warburgh) have similarly been denied access to the most vital material although six and one-half months have passed since the indictment was filed and Mr. Gonzalez arrested.

14. How can the defendants properly make the appropriate motions addressed to the wiretaps when they are refused access to the tapes, transcripts, orders and affidavits. Judge Tyler requested we sit down with the Government and attempt to voluntarily obtain discovery. On information and belief, the lack of discovery is not because the Government does not want to turn it over, but because they are not prepared to turn it over.

15. In light of the foregoing the filing of the NOTICE of Readiness For Trial on February 19, 1975 was a sham. It is now

some six weeks since then and they are still not ready for trial. This court should now hold a hearing to determine whether the Government was ready for trial on February 18, 1975 when it filed its Notice of Readiness For Trial and whether it is presently ready for trial. If the Government is not ready for trial the indictment should be dismissed.

CHARGES SHOULD BE WITHDRAWN IN THE INTEREST OF JUSTICE

16. Since the Government has been unable to produce any evidence against the defendant, JORGE GONZALEZ, during pre-trial discovery, it should be assumed that the Government has not sufficient evidence to find a conviction of guilty against said defendant. Accordingly, Mr. Gonzalez's precious right of freedom is being seriously violated by his incarceration and any further infringement on constitutionally guaranteed rights should be stopped immediately by this Court ordering the charges to be withdrawn in the interest of justice. Such an Order should extend to the indictment outstanding and mentioned hereinabove by the City, County and State of New York.

BAIL

17. Mr. Gonzalez on the moving date of this motion will have been incarcerated seven (7) months. Judge Tyler refused to reduce the \$150,000.00 bail on the grounds the Government would be ready for trial on February 18. Should this Court determine that the Government in fact was not ready for trial on that date and its Notice of Readiness for Trial was a sham, Mr. Gonzalez should be immediately released from custody on his own recognizance or upon posting bail in the amount of no more than \$5,000.00 which is the highest he could post.

18. On the question of bail, Mr. Gonzalez is 50 years old, married for twenty years and has five children, ages 14, 12, 8, 4

and 2. At the time of his arrest he resided at 41-01 79th Street, Elmhurst, Queens, New York. He was born in Colombia and came to the United States on July 27, 1971. Prior to his arrest, JORGE GONZALEZ, worked for "Esmeralda" Jewelry, Inc. located at 25-16 Roosevelt Avenue, Elmhurst, New York.

WHEREFORE, your deponent respectfully requests the granting of this motion, and for such other and further relief as to this Court may seem just and proper.

Dated: Spring Valley, New York
April 7, 1975

Sworn to before me this
7th day of April, 1975.

LOUIS A. TIRRELLI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v

ALBERTO BRAVO, et al.,

Defendants.

NOTICE OF READINESS
FOR TRIAL

74 Cr. 939 (HRT)

S I R S :

PLEASE TAKE NOTICE that the United States will be ready for trial in this case as soon as the matter can be reached by the Court on or after February 18, 1975, subject to receiving ten days' advance notice of the actual date for trial.

Dated: New York, New York

February 18, 1975

Yours, etc.

PAUL J. CURRAN
United States Attorney for the
Southern District of New York
Attorney for the United States
of America

By:

MICHAEL C. CAFFEY
Assistant United States Attorney
Tel: (212) 791 1036

TO: HONORABLE Harold R. Tyler, Jr.
United States District Judge
Chambers 1903
United States Court House
Poley Square
New York, New York 10007

CONV. #391

(no greetings, conversation has already started between mono and jorge.)

JORGE: HE REALLY FIXED ME, THAT SOB.

MONO: YOU DON'T SAY! AND WHERE DID HE BITE YOU?

JORGE: ON THE HAND, AND, WELL --

MONO: BUT DOES HE HAVE RABIES, WAS HE EXAMINED?

JORGE: HUH? THE SOB DOESN'T HAVE ANYTHING, HE'S JUST AN SOB.

MONO: BUT WAS HE TAKEN TO THE VET?

JORGE: NO, THE OWNER ISN'T HERE.

MONO: AND WHY DON'T YOU TAKE HIM YOURSELF, MAN?

JORGE: WHAT? ME --- HOW CAN I DO THAT PACHO?

MONO: WELL, YOU CAN TIE HIM UP ---

JORGE: TIE HIM UP HOW?

MONO: *Here* TIE HIM UP AND TAKE HIM - A FRIEND OF MINE IN CARACAS, COMING BACK AT NIGHT, YOU KNOW, TRYING TO PICK UP GIRLS...

JORGE: HM, HM, HM.

MONO: WAS BITTEN BY ONE OF THOSE SOB ANIMALS, NO?

JORGE: HM.

MONO: AND IF YOU HAD SEEN HOW HE WAS AFTER SOME MONTHS --- HE DIED LIKE A FAMOUS (obcenity) -

JORGE: LIKE A (obcenity) HUH? (he laughs)

MONO: YES, - THOSE RABIES - THAT'S WHY I'M SO AFRAID OF THAT -

JORGE: WELL, THIS ONE DOESN'T HAVE THAT -

MONO: HM?

JORGE: HE DOESN'T HAVE THAT, HE'S SMALL ----

(SPOT MONITOR)

JORGE: ---- HE WOULD BE IMPRISONED BECAUSE OF THE DOC ----

MONO: NO, NOT BECAUSE OF THE DOG, BECAUSE OF THE PERSON [(EL ELEMENTO)] AFTER THEY HAVE EXAMINED A DOG WITH RABIES.

JORGE: DAMN

MONO: THEY SEND HIM LIKE TO A PRISON, FOR TREATMENT.

JORGE: (unintelligible)

MONO: YES, SIR - YES, THAT IS THE GOVERNMENT'S RESPONSIBILITY -

JORGE: (laughter and unintelligible murmur)

MONO: IF YOU HAD SEEN MY FRIEND, AS HE WAS, DAMN, IT WAS A REAL PITY, MAN! LIKE SHIT, MAN, WITH THE SAME DISEASE AS THE DOG -

(SPOT MONITOR)

MONO: --- BUT HAVE HIM TAKEN -

JORGE: --- THAT IS, THAT THING OF THE DOG'S THE FORMER VACCINATION, AND THE CERTIFICATE OF TREATMENT, THAT I SHOULD HAVE HIM CHECKED, SO THAT I COULD TAKE THE THING TO HIM THIS WEEK. --

MONO: THIS CAN BE A SERIOUS MATTER, YOU KNOW - THIS IS NO STUPIDITY --

JORGE: ... TO DECIDE WHAT THEY WOULD DO TO ME

MONO: YOU CAN'T NEGLECT A STUPID THING LIKE THIS...

JORGE: NO...

MONO: ...BECAUSE YOU CAN BECOME....MAN, WHAT AN SOB OF A DEATH!

JORGE: (he laughs)

MONO: A MAD MAN IS NOT SO BAD, HE' CRAZY, BUT MAN, THIS OTHER THING IS A TERRIBLE PITY, MAN -

JORGE: WELL

MONO: AND THERE IS NO MONEY, NO DOCTORS, NOTHING THAT CAN HELP ONCE THIS THING GETS GOING, HEAR?

JORGE: WELL.....DO YOU WANT TO TALK TO THAT ONE?

MONO: IS HE THERE?

^{3.} Jorge ends here
Abraham now gets a phone

JORGE: YES

ABRAHAM: (comes to phone) HELLO

MONO: HI, ABRAHAM, HOW ARE YOU?

ABRAHAM: HOW HAVE YOU BEEN?

MONO: HERE MAN, DEALING WITH LIFE.

ABRAHAM: DRINKING A LOT, OR WHAT?

MONO: WELL, YES, MAN - [A BIT - A RATHER LONG STREAK
(UNA RACHITA UN POGUITO LARGUITA)] BUT IT LEFT
ME ILL, MAN - ... THAT SOB DID NOT APPEAR IN
THE CHEST - AND SINCE I HAVE A DEVIATED SEPTUM...

Rosquita

ABRAHAM: YES?

MONO: I CAN'T GET ANY AIR THROUGH MY NOSE, I HAVE TO
BE ON A BASIS OF NOSE DROPS, ...

ABRAHAM: THAT IS STRANGE...

MONO: AND THAT IS BAD BECAUSE THEY SAY -

(SPOT MONITOR)

MONO:WHAT HE DECIDES OVER THERE, WHAT MESSAGE
IS SENT BY THAT VERMIFUGE, IF HE SENDS THAT
BLACK GIRL...

ABRAHAM: YES ...

MONO: TO SEE IF IN THE MEANTIME ONE CAN BE DOING
SOME WORK ...

ABRAHAM: OF COURSE, EVEN SOME UNIMPORTANT LITTLE THINGS

MONO: YES, IF THAT NEGRESS ARRIVES, THERE ... THERE...
THOSE THINGS WILL MOVE

ABRAHAM: OF COURSE...

MONO: THEN, ...

ABRAHAM: LISTEN, DON'T FORGET WHAT WE HAD TALKED ABOUT -

MONO: TELL ME, WHAT ELSE? OH YES, ANYTHING THAT
ARRIVES -

ABRAHAM: ANY LITTLE THING THAT ARRIVES, YOU LET ME KNOW -

JORGE: HELLO!

MONO: JORGESITO, HOW ARE YOU? WERE YOU ASLEEP OR (unintelligible).

JORGE: NO, SON, I WAS LYING IN BED, DOING (unintelligible)

MONO: HUH?

JORGE: LYING IN BED, DOING (unintelligible)

MONO: AH, WHAT ELSE DO WE DO, HUH?

JORGE: RIGHT, MAN.

MONO: LOOK, MAN, ASK ABRAHANCITO, FORGIVE THE LIBERTY...

JORGE: YES?

MONO: ...TO FIND OUT ABOUT THE MAN WITH THE MOTORS, MAN, DOES HE WANT US TO SEND THEM...

JORGE: THAT WE DO WHAT?

MONO: SOME MOTORS, WHICH ARE TO BE EXPORTED TO COLOMBIA...

JORGE: UN-HU.

MONO: TO FIND OUT IF HE WANTS US TO SEND THEM, BECAUSE WE NEED THOSE THINGS OVER THERE...

JORGE: UN-HU?

MONO: HM?

JORGE: GOOD, GOOD.

MONO: WELL - WHAT ELSE, MAN - GOING OUT A LOT? BECAUSE I CALLED YOU THERE A FEW DAYS AGO. WERE YOU AWAY FOR THE WEEKEND TOO? YOU ARE A BIT OF A VAGABOND, AREN'T YOU?

JORGE: NO, SIR.

MONO: BUT, YOU DISAPPEARED FOR A BIT...

JORGE: OF COURSE NOT, MAN.

MONO: PLAYING AROUND?

JORGE: NO, MAN.

MONO: NO?

JORGE: I HAVE A LITTLE LOVE THAT I WOULDN'T CHANGE FOR... FOR....

MONO: SURE, SURE, BUT YOU PLAY AROUND SOMETIMES.

JORGE: HUH?

MONO: ONCE IN A WHILE, OR EACH TIME YOU GET A CHANCE?

JORGE: SHE'S CRAZY AND I'M CRAZY -- I'M CRAZY ABOUT HER.

MONO: OH? (unintelligible)

JORGE: SHE'S CRAZY AND I'M CRAZY ABOUT HER -

MONO: GOOD - THEN THINGS ARE FINE - WHAT ELSE, MAN, WHAT'S WITH OLIV~~O~~, DID HE SHOW UP?

JORGE: OLIV~~O~~, YES. HE HAD A QUARREL WITH THAT... THAT... FOOL FROM.. FROM ..

MONO: FROM THE AGENCIES ..?

JORGE: PEREZ .. THAT .. FAGGOT.

MONO: PEREZ. WELL, THAT SON OF A BITCH IS LOST, MAN, AND HE ..

JORGE: WELL, HE CAUGHT HIM -

MONO: HUH?

JORGE: HE CAUGHT HIM. ON ... FRIDAY - HE SAID TO HIM - :"YOU HAVE TO SHOW ME THOSE RECEIPTS" .. BECAUSE IS SAID TO HIM - I WAS WITH HIM..

MONO: HUH?

JORGE: I WAS WITH HIM .. I TOLD HIM THE STORY ..

MONO: HM -

JORGE: NOTHING DOING - THE RECEIPTS THAT CUSTOMS GAVE ME TO COVER THE IMPORTS ARE THESE.. THEN YOU WILL PLEASE DO ME THE FAVOR OF GIVING ME THE RECEIPTS FOR THE CHECKS THAT YOU PAID - "OH, I LEFT THEM HERE.. THIS..

Conn 553

JORGE (contd) THAT.. "LOOK, THE RECEIPT THAT I LEFT WITH YOU TO JUSTIFY - WHATEVER WAS YOURS - (unintelligible) .. AND YOU HAND IT OVER TO ME NOW -

MONO: AND WHAT DID THE MAN SAY?

JORGE: THAT HE HAD LEFT IT AT HOME.

MONO: HE'S A LYING SON OF A BITCH - FROM HERE TO ROME!

JORGE: AND THEN..

MONO: THEY'VE .. THE MAN IS GOING TO .. HE HAS A LITTLE .. BECAUSE I MET A PERSON FROM OVER THERE WHO TOLD ME..

JORGE: BUT WHAT I WOULD DO IS TELL THE JUDGE IN CUSTOMS... |||

MONO: HM.

JORGE: ...THE SUPERINTENDENT... THAT SHIT ..

MONO: HM.

JORGE: THAT SON OF A BITCH THERE... AND HE'LL HOLD OUT HIS PAW .. HE HOLDS IT OUT LIKE A LITTLE KITTEN...

MONO: YES, BUT ONE CAN'T DO THAT, JORGE.

JORGE: HUH?

MONO: ONE CAN'T ..

JORGE: WHY NOT, IF WE ARE ACTING LEGALLY, WE ARE NOT DOING ANYTHING WRONG. |||

MONO: YES, BUT ...

JORGE: BUT WHAT? BUT WHAT? - ARE WE DOING ANYTHING WRONG?]|||

MONO: WHAT DO YOU THINK HAPPENED TO THAT MAN - THE POLICE SHOWED UP A FEW DAYS AGO - HE THOUGHT IT WAS FOR THAT - THE MAN IS IN TROUBLE, HE'S SWINDLED HALF OF HUMANITY - I THINK HE'S TAKING EVERYTHING OUT OF HIS OFFICE. HE SHOWS UP AFTER TEN AT NIGHT .. LAST NIGHT, I GOT A CALL - I HAVE SOMEONE

MONO: (cont'd) OUT THERE SPYING ON HIM - AT TEN-THIRTY AT NIGHT - AND THEY SAID, "CALL HIM RIGHT AWAY." AND I DID BUT THE SON OF A BITCH DIDN'T ANSWER HIS PHONE - HE'S HIDING - AND ACCORDING TO WHAT I WAS TOLD THE POLICE SHOWED UP A FEW DAYS AGO LOOKING FOR HIM AND WITH A MAN WHO SAID: "WELL YOU SETTLE MY AFFAIR OR I GET YOU ~~THE~~ (UNINTELLIGIBLE)"

(SPOT MONITOR)

JORGE: (unintelligible)

MONO: HUH?

JORGE: WHAT HE NEEDS (unintelligible) A TWENTY-TWO IN THE HEAD!

MONO: WELL, WHAT I WANT IS TO JUSTIFY MYSELF TO THOSE PEOPLE, SO THAT THEY WON'T ... WON'T BELIEVE THAT I TOOK THAT MONEY .. OR, YOU UNDERSTAND? ...

JORGE: OF COURSE,

MONO: .. WHICH IS WHAT I HAVE TO TALK OVER WITH THAT SON OF A BITCH - IF HE SIGNS ME A RECEIPT - WELL - THEN - I KNOW THAT ...

JORGE: .. THAT (unintelligible) SON OF A BITCH THAT THEY HAVE ...

MONO: WELL, ...

JORGE: WHAT A BASTARD ...

MONO: YOU KNOW, I'VE PAID MORE THAN TWENTY TAXI FARES FOR THAT SON OF A BITCH, WHEN I KNOW HE'S THERE - BUT NO, HE HIDES FROM ME, HE EVADES ME ON THE PHONE - HE'LL ANSWER THE PHONE, AND THE MOMENT I SPEAK, HE HANGS UP - IT RINGS TWICE AND HE PUTS ON THE TAPE RECORDER...

JORGE: WHAT?

MONO: HE PUTS ON A RECORDER THAT HE HAS THERE, TO ANSWER - HAVEN'T YOU CALLED THERE?

JORGE: NO.

MONO: OH, CALL THERE AND YOU'LL SEE THAT ...
THAT YOU FIND A TAPE RECORDER THAT SAYS:
"THIS IS A RECORDING - LAS AMERICAS - THIS
IS A RECORDING - PLEASE LEAVE YOUR TELE-
PHONE NUMBER - YOUR ... I DON'T KNOW WHAT ..
OR THE MESSAGE YOU NEED" -- THE SON OF A
BITCH IS WORKING BY MEANS OF A RECORDER
TO ANSWER THE PHONE, A MACHINE HE HAS THERE.
THE MAN IS...

JORGE: (unintelligible) .. OF MACHINERY.

MONO: ... THE MAN IS A SON OF A BITCH, MAN; BUT
ALL I WANT IS SOME JUSTIFYING EVIDENCE FOR
THESE PEOPLE ..

JORGE: (unintelligible) THAT THEY WILL RECEIVE ...

MONO: ... AND LET THEM DECIDE - BUT WHAT HAS HAD
ME (unintelligible) .. AND THAT HE SHOULD
HIDE...

(SPOT MONITOR)

... TO SEE IF WE CAN (unintelligible) THOSE
THINGS TO SEND THEM OVER THERE -

JORGE: AND WHEN DO YOU WANT TO SEND THEM?

MONO: WELL MAN, IF WE COULD SEND THEM THIS WEEK,
I THINK IT'S ABOUT TIME ...

JORGE: AND ... AND ... FROM HERE DO YOU SEND THEM
TO PANAMA, OR WHERE?

MONO: NO, DIRECTLY OVER THERE.

JORGE: DIRECT?

MONO: YES DIRECT, BECAUSE I THINK THE MAN WANTS
TO TAKE HIS MOTORS DIRECTLY OVER THERE,
BECAUSE SINCE HE TAKES THEM AS SCRAP IRON ..
YOU UNDERSTAND?

JORGE: UN - HU.

MONO: YOU UNDERSTAND?

JORGE: UN - HU

MONO: AND THEN, THEY WILL BE TURNED OVER TO HIM IN MEDELLIN AND HE THEN HAS THE APPARATUS AVAILABLE .. FOR THE RETURN - BECAUSE I THINK MATTERS ARE PRETTY WELL ADVANCED OVER THERE - AND IT'S BETTER TO HAVE THE DONKEY TIED UP IN ADVANCE, DON'T YOU THINK?

JORGE: TO ME ... PRIETO CALLED ME UP ...

MONO: WHO?

JORGE: ARE YOU IN BED?

MONO: WHO CALLED YOU?

JORGE: PRIETO.

MONO: YES? WHAT DID HE SAY?

JORGE: THAT IT WAS READY ... THAT I DON'T KNOW WHAT .. THAT THE TWENTY-EIGHTH ..

MONO: OH, BUT THIS AFFAIR IS NOT WITH PRIETO .. THIS BUSINESS THAT WE HAVE ...

JORGE: NO, BUT ... BUT...

MONO: HUH?

JORGE: YOU MEAN SENDING THIS FROM HERE TO THERE?

MONO: YES, NO - NOT FROM THERE TO HERE - THAT'S NOT WITH HIM.

JORGE: AN -HA.

MONO: OR IT COULD BE THAT HE HAS SOME OTHER BUSINESS WITH THAT ONE - SOMEWHERE!

JORGE: IT MUST BE - NO?

MONO: THE THING IS THAT THIS IS NOT KNOWN TO PRIETO, OR ANYONE -

JORGE: NO, NO, NO - THIS ..

MONO: BECAUSE I ASSURED ABRAHAM ...

JORGE: NO, NO, NOT ABOUT THE OLD MAN, NO, HE DOES NOT KNOW!

MONO: BECAUSE I SAID TO ABRAHAM THAT IT WASN'T
BECAUSE YOU KNOW THEY GET JEALOUS. NO?
- THAT ONE SHOULD ...

JORGE: (unintelligible) .. SON OF A BITCH, MAN!

MONO: YES, BUT THEY BECOME JEALOUS ..

JORGE: (unintelligible) .. WE ARE GOING TO HAVE
PROBLEMS WITH THAT SON OF A BITCH..

MONO: (unintelligible) ?

JORGE: ... BECAUSE YESTERDAY I HEARD SOMETHING VERY
ANNOYING -

MONO: WHAT, MAN?

JORGE: THAT THEY ARE SAYING OVER THERE THAT .. THAT
IN NEW YORK THEY HAD THREE THOUSAND KIL~~S~~ OF
.. SOMETHING .. STOLEN FROM THEM ..

MONO: HM -

JORGE: AND IF THEY WERE STOLEN, WHO STOLE THEM?

MONO: YOU DON'T SAY, MAN -

JORGE: YES, THEY ARE SAYING THAT IN MEDELLIN -

MONO: AND YOU HAD THE NEWS FROM MEDELLIN?

JORGE: YES, SIR - AND FROM A VERY RELIABLE SOURCE -
VERY RELIABLE.

MONO: WHAT A THING! - WELL, THE PROBLEM IS THAT THESE
PEOPLE SHOULD NOT KNOW ANYTHING ABOUT THE AFFAIR...

JORGE: NO, NO, NO...

MONO: ... BECAUSE THERE IS A LOT OF JEALOUSY -
(unintelligible) TRASH ..

JORGE: NO, NO (unintelligible) NO ONE HAS TO KNOW
ANYTHING ABOUT IT - THAT WAS DONE BY US ..

MONO: ABOUT THIS BUSINESS THAT WE ARE NOW
DISCUSSING ..

JORGE: HO!

MONO: BECAUSE THERE IS A LOT OF JEALOUSY THERE,
AND A LOT OF TRASH AND MUCH ENVY ..

JORGE: (unintelligible) ... SONS OF BITCHES THERE,
MAN -

MONO: THEN -

JORGE: (mumbling) .. SONS OF BITCHES ..

(SPOT MONITOR)

MONO: ... YOU UNDERSTAND?

JORGE: HM.

MONO: THAT'S WHY FROM THE BEGINNING, I SAID TO
ABRAHAM: "LET'S DO THIS, MAN, BUT LET IT
REMAIN BETWEEN OURSELVES."

(SPOT MONITOR)

MONO: ...TO CASTILLO, MAN -

JORGE: AN-HA

MONO: TO SEE IF PERHAPS HE CAN OBTAIN FOR ME
SOME RECEIPT FROM THAT MAN - SOME PROOF
TO SEE IF HE PAID THAT OR DIDN'T PAY IT,
SO THAT I CAN SETTLE ACCOUNTS WITH THESE
PEOPLE - SO THEY WON'T (unintelligible)
ANY MORE!

JORGE: BUT HOW CAN HE... HOW CAN HE OBTAIN A...
RECEIPT... OR ANYTHING..

MONO: IF THE S.O.B. CAN'T BE SEEN!

JORGE: ..NO, HE CAN CATCH HIM -

MONO: YES?

JORGE: (unintelligible) CAN CATCH HIM..

MONO: OH, THEN DO YOU THINK..

JORGE: ..BUT..

MONO: THEN DO YOU THINK THAT IF THIS ONE THREATENED
HIM A BIT -

JORGE: WHO?

MONO: CASTILLO!

JORGE: CASTILLO - AND, WHY SHOULD CASTILLO -

MONO: NO, BECAUSE HE CAN SAY TO HIM: "MAN, THIS GENTLEMAN HAS BEEN CALLING ME ABOUT THIS AFFAIR OF CUSTOMS DUTIES - HOW CAN YOU COME UP WITH THESE MATTERS NOW - YOU CANNOT.."

JORGE: ~~HE SAID THAT TO HIM ALREADY~~

MONO: ...YOU CANNOT PUT OUR COMPANY IN A BAD LIGHT, WE HAVE ALWAYS FULFILLED OUR COMMITMENTS AND OUR OBLIGATIONS - WE ARE RESPONSIBLE AND SERIOUS MEN, AND WE DON'T DEAL IN CENTS, WE DEAL IN MILLIONS" -- HE CAN SAY SOMETHING LIKE THAT, AND THEN THAT MAN - I THINK THAT MAN IS REALLY HIDING FROM ME, BUT IF HE SAYS SOMETHING LIKE THAT TO HIM, THE HE'S SHIT.

JORGE: NO, THAT ONE EVEN CALLED HIM SHIT - HE CALLED HIM SHIT BECAUSE THAT ONE EVEN HAD TO... HE EVEN..

MONO: YES, HE HAD TO FACE THE SITUATION, BECAUSE THAT S.O.B. THERE SAYS...

JORGE: NO, HE (unintelligible) TO HIM -

MONO: HE SAYS HE PAID THE DUTIES - AND THAT CASTILLO..

JORGE: NO, NO, THAT'S SHIT, HE HASN'T PAID ANY DUTIES.

MONO: WELL, THEN HE WAS BLUFFING AND I TOLD CASTILLO TO CLEAR THAT UP, AND I TOLD ABRAHAM...

JORGE: NO, NO, HE HASN'T PAID ANYTHING BECAUSE (unintelligible)

MONO: HM.

JORGE: CASTILLO. TO THE AFFAIR OF THE... OF THE ... (unintelligible) FROM THE CUSTOMS OFFICE.. (unintelligible)

MONO: YES, YES, YES, WELL, I'LL CALL YOU LATER,...

JORGE: HE HASN'T DONE ANYTHING..

MONO: ..I'LL CALL YOU LATER,.

JORGE: THAT S.O.B. HASN'T DONE A THING...

MONO: NO..

JORGE: THAT S.O.B. HAS A FACE LIKE, A NOSE LIKE, YOU KNOW THE ONLY THING HE HAS THAT I FIND ATTRACTIVE ? - THAT NOSE LIKE A TOMATO, TO GIVE HIM A GOOD PUNCH !

MONO: HEY, LISTEN.

JORGE: UN-HU ?

MONO: I'LL CALL YOU LATER TO SEE WHAT'S UP WITH THESE MOTORS.. TO SEE IF WE CAN FIND A WAY TO SEND THAT SCRAP OVER THERE.

JORGE: OKAY.

MONO: ... TO SETTLE THE AFFAIR THIS WEEK.

JORGE: VERY GOOD.

MONO: DID HE GIVE YOU SOME MONEY THAT HE WAS GOING TO LEAVE WITH YOU?

JORGE: NO.

MONO: AH, WELL.

JORGE: ARE YOU COMING OVER FOR IT, OR WHAT?

MONO: WELL YES, ANYTIME YOU HAVE IT AVAILABLE BECAUSE THAT WAS THE ARRANGEMENT - I THINK IT IS TWO THOUSAND, FOUR HUNDRED PESOS, TO SEND TO THOSE PEOPLE AND FINISH WITH THEM.

JORGE: UN-HU.

MONO: I HAD SOME COPIES MADE OF SOME RECEIPTS THAT THAT MAN GAVE ME FOR SOME MONEY I GAVE HIM.

JORGE: UN-HU.

MONO: FOR THREE THOUSAND, BECAUSE HE DIDN'T GIVE ME A RECEIPT FOR THE REST, FOR THE OTHER TWELVE HUNDRED - THAT S.O.B. FROM THE AGENCY?

JORGE: UN-HU.

MONO: TO SEND THEM TO THEM, BECAUSE THEY HAVEN'T EVEN HAD THE POLITENESS TO CALL AND SAY THAT THEY RECEIVED THIS OR THAT..

JORGE: YES, YES.

MONO: THEY HAVEN'T EVEN HAD MANNERS ENOUGH FOR THAT: "YES, MAN TEAR UP THE RECEIPTS FOR THE MONEY ORDERS,.. DO THIS,.. WE RECEIVED IT,.. THANKS FOR THE FAVOR,.. NO, NOT ONE OF THOSE S.O.B... WHAT.. PEOPLE - WHAT CAN YOU SAY, MAN?

JORGE: TWO THOUSAND FOUR HUNDRED?

MONO: HUH?

JORGE: TWO THOUSAND FOUR HUNDRED?

MONO: YES.

JORGE: WELL, COME OVER AND GET THEM WHENEVER YOU WISH - (unintelligible) ~~HE~~ HE DIDN'T GIVE ME ORDERS FOR ANY OF THAT SHIT, BUT,.. BUT... WHENEVER YOU WANT TO COME FOR IT, COME.

MONO: GOOD, JORGE, SO THAT I CAN SETTLE WITH THESE PEOPLE, YOU UNDERSTAND..

JORGE: YES.

MONO: WELL, OLD MAN,

JORGE: WELL, SON,

MONO: UNTIL LATER -

JORGE: IT'S BEEN A PLEASURE, GREETING YOU.

MONO: ME, TOO.

(END OF CONVERSATION)